

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NINO MARTINENKO, on behalf of herself
and others similarly situated,

Plaintiffs,

22 CIVIL 0518 (JLR)

-against-

JUDGMENT

212 STEAKHOUSE, INC., and NIKOLAY
VOLPER,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated September 24, 2024, the Court adopts the R&R in its entirety. Defendants' motion to decertify the Rule 23 class is DENIED. Plaintiffs' motion for summary judgment is GRANTED in part and DENIED in part. Defendants cross-motion for summary judgment is GRANTED in part and DENIED in part. Specifically, the Court orders that: 1. The class is awarded unpaid minimum wages under the NYLL without a tip credit allowance in the total amount of \$96,608.35; 2. The class is awarded unpaid overtime wages under the NYLL without a tip credit allowance in the total amount of \$2,530.75; 3. The class is awarded unpaid spread-of-hours premiums under the NYLL where applicable in the total amount of \$2,388; 4. The class is awarded liquidated damages under the NYLL in the total amount of \$101,527.10; 5. Defendant Volper is held individually liable for damages under the FLSA and NYLL; 6. Plaintiff Huk's NYLL Section 195 wage notice and statement claims be dismissed for lack of standing; 7. Summary judgment is denied on the rest of the class members' NYLL Section 195 wage notice and wage statement claims; 8. The parties is ordered to meet and confer

regarding next steps for addressing individualized injury with respect to the unnamed class member Section 195 claims; and 9. Prejudgment interest awarded from June 18, 2019, at a rate of 9% on the total unpaid wages of \$101,527.10 to the entry of the judgment in the amount of \$48,215.64.

Dated: New York, New York
September 25, 2024

DANIEL ORTIZ

Acting Clerk of Court

BY:

Nesom Dulal
Deputy Clerk